

to any other person, use them for any purpose, or store or copy them in any medium. Thank you for your cooperation.

From: Jon Robinson [<mailto:jrobinson@brelaw.com>]
Sent: Thursday, December 27, 2012 12:42 PM
To: Bob Carlson
Cc: RichardRamler@aol.com
Subject: RE: Barber v Remington et al - Plaintiffs' First Request for Production

Bob:

This is to confirm receipt of your email below. Please send a complete draft of what you plan to file with the court regarding your requested extension, and allow Rick and I some time to review and approve it before filing. We will not be "unopposed" to your motion unless we have an opportunity to review and approve it before it is filed. Thanks,

Jon

Jon D. Robinson
Bolen Robinson & Ellis, LLP
202 South Franklin, 2nd Floor, Decatur, IL 62523
217.429.4296 - fax 217.329.0034

From: Bob Carlson [<mailto:BCarlson@cpklawmt.com>]
Sent: Thursday, December 27, 2012 1:24 PM
To: Jon Robinson
Cc: RichardRamler@aol.com
Subject: Barber v Remington et al - Plaintiffs' First Request for Production

Jon:

This is a follow up to our telephone conversation this morning concerning Plaintiffs' First Request for Production. As we discussed, I was unable to get in touch with Rick and called you to advise you that the defendants were considering filing a Motion for Protective Order requesting the Court to stay discovery until after it decides the pending Motion to Dismiss. As we discussed the Montana local district court rules require counsel to discuss any discovery issues with opposing counsel (either by telephone or in person) prior to filing any discovery motions. This is to confirm that you suggested, as an alternative to the defendants filing a motion to stay, giving the defendants a 30 day extension to answer, object, or otherwise respond to the First Request for Production. As I advised you the defendants do have objections to the plaintiffs' requests for production. We both agreed that by this extension neither side was waiving any objections or positions it has concerning the Requests.

This is to confirm that, based on the above, the defendants accept your offer of an extension. I will file an unopposed motion with the Court for an extension up to and including February 20 to answer, object, or otherwise respond to the Requests.

Please let me know if you have any questions or concerns about any of the above.

Thank you for your courtesy.

Take care,

Bob

Robert M. Carlson

Corette Pohlman & Kebe
129 W. Park Street
Suite 300
Butte, MT 59701
406-782-5800 Phone
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bcarlson@cpklawmt.com

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(406)388-6842 fax
RichardRamler@aol.com
www.ramlerlaw.com

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-----Original Message-----

From: Jon Robinson <jrobinson@brelaw.com>
To: Bob Carlson <BCarlson@cpklawmt.com>
CC: "RichardRamler@aol.com" <RichardRamler@aol.com>
Subject: RE: Barber v Remington et al - Plaintiffs' First Request for Production
Date: Fri, 28 Dec 2012 17:38:04 +0000

Bob, we have reviewed and approve your filing of the motion and submission of the order. Jon

Jon D. Robinson
Bolen Robinson & Ellis, LLP
202 South Franklin, 2nd Floor, Decatur, IL 62523
217.429.4296 - fax 217.329.0034

From: Bob Carlson [mailto:BCarlson@cpklawmt.com]
Sent: Friday, December 28, 2012 10:08 AM
To: Jon Robinson
Cc: RichardRamler@aol.com
Subject: RE: Barber v Remington et al - Plaintiffs' First Request for Production

Jon:

I have attached the proposed Unopposed Motion for Extension with form Order. Please let me know if this is acceptable.

Thank you.

Bob

Robert M. Carlson

Corette Pohlman & Kebe
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Butte, MT 59701
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From: RichardRamler@aol.com [mailto:RichardRamler@aol.com]

Sent: Thursday, January 03, 2013 11:16 AM

To: Bob Carlson; dwills@smbtrials.com

Cc: jrobinson@brelaw.com

Subject: Barber Discovery

Dale and Bob: As you know, the court denied your motion to extend the discovery deadline. We will not stipulate informally to extend the deadline for responding to our requests for production. Rick

Richard A. Ramler
Ramler Law Office, P.C.
202 West Madison Ave.
Belgrade, MT 59714
(406)388-0150

Bob Carlson

From: RichardRamler@aol.com
Sent: Thursday, January 03, 2013 3:24 PM
To: Bob Carlson; dwills@smbtrials.com
Cc: jrobinson@brelaw.com
Subject: Re: Barber Discovery

Bob: You can go ahead and file your motion to stay discovery. I am sorry if there was any misunderstanding. Rick

Richard A. Ramler
Ramler Law Office, P.C.
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In a message dated 1/3/2013 1:59:45 P.M. Mountain Standard Time, BCarlson@cpklawmt.com writes:

Rick:

Your email caught me by surprise.

As the attached email correspondence on December 27 and 28 with Jon reflects, it was Jon who suggested that Plaintiffs give the Defendants an extension to answer, object or otherwise respond to the Plaintiffs' First Requests for Production until February 20. This was in lieu of the Defendants filing a Motion for Protective Order to Stay discovery pending a determination by the Court on the Motion to Dismiss. In my mind Jon's offer and our acceptance of that offer created an informal stipulation for extension. Confirming it with the Court via an unopposed and agreed to Motion was a mere formality. Included in the agreement with Jon was that both sides were reserving any and all objections or positions we had with respect to the Requests.

Can you explain for me why the Plaintiffs have changed their mind and are backing out of an agreed extension?

Thank you for your time and attention.

Bob